

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Virginia

LISA SURBEY	)	
	)	
Plaintiff	)	
	)	
v.	)	Civil Action No. 1:05cv228
	)	
STRYKER SALES CORPORATION	)	
	)	
Defendant	)	

MEMORANDUM OPINION

THIS MATTER came before the Court on a Motion to Compel Document Production (#115) by plaintiff LISA SURBEY. Defendant, STRYKER SALES CORPORATION, filed an Objection to Plaintiff's Motion to Compel asserting that plaintiff failed to comply with Local Rule 37(E), despite plaintiff's counsel's certification of compliance.

Upon review of the objection and exhibits thereto, it is clear that plaintiff's counsel failed to make a good faith effort to resolve this discovery dispute prior to filing the Motion to Compel Document Production. Therefore the plaintiff's Motion to Compel should be denied without prejudice.

An appropriate Order shall issue.

\_\_\_\_\_/S/\_\_\_\_\_  
Theresa Carroll Buchanan  
United States Magistrate Judge

Alexandria, Virginia  
August 25, 2005

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Virginia

LISA SURBEY	)	
	)	
Plaintiff	)	
	)	
v.	)	Civil Action No. 1:05cv228
	)	
STRYKER SALES CORPORATION	)	
	)	
Defendant	)	

O R D E R

FOR REASONS set forth in the accompanying Memorandum  
Opinion, it is

ORDERED that plaintiff LISA SURBEY'S Motion to Compel  
Document Production (#115) is DENIED without prejudice.

ENTERED this 25<sup>th</sup> day of August, 2005.

/S/  
Theresa Carroll Buchanan  
United States Magistrate Judge

Alexandria, Virginia